

TO PROVIDE FOR EXCHANGES OF GOVERNMENT AND PRIVATELY OWNED LANDS IN THE NAVAJO INDIAN RESERVATION, ARIZ.

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JANUARY 19, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. HAYDEN, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H. R. 11361]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11361) to provide for exchanges of Government and privately owned lands in the additions to the Navajo Indian Reservation, Ariz., by Executive orders of January 8, 1900, and November 14, 1901, having considered the same, report thereon with a recommendation that it do pass without amendment.

As is shown by the following letter from the Secretary of the Interior the bill was prepared by the department and its enactment is recommended.

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DEPARTMENT OF THE INTERIOR,  
Washington, December 13, 1924.

HON. HOMER P. SNYDER,  
*Chairman Committee on Indian Affairs,*  
*House of Representatives.*

MY DEAR MR. SNYDER: I transmit herewith the draft of a bill to provide for the consolidation of Government and privately owned lands within the boundaries of the additions to the Navajo Reservation, Ariz., by Executive orders of January 8, 1900, and November 14, 1901.

Under the granting act of July 27, 1866 (14 Stat. L. 292), the claim of the Atlantic & Pacific Railroad Co. attached to something like 320,000 acres of land within the limits of the additions and there have also been grants to the State of Arizona. Most of the even-numbered sections are held by the Government for Indian use. There is therefore divided ownership in the additions.

The act of April 21, 1904 (35 Stat. L. 211), provides that any private land over which an Indian reservation has been extended by Executive order may be exchanged by the owners for land outside of the reservation, but in view of the act of May 25, 1918 (40 Stat. L. 570), which prohibits the creation of an Indian reservation or an addition to one already created within the States of

New Mexico and Arizona except by act of Congress, this department has held that an exchange under the act of 1904 would be a violation of the spirit and intent of the later act.

These lands have not been surveyed, but under the act of June 25, 1910 (36 Stat. L. p. 834), the Santa Fe Railroad Co., successor in interest of the Atlantic & Pacific Railroad Co., applied for the surveys. Within what is known as the Leupp jurisdiction, being the addition by Executive order of November 14, 1901, there has been established near the center thereof an Indian boarding school and official headquarters for the superintendent which has involved an expenditure of approximately \$180,000. The school has an attendance of 350 pupils. This department has held substantially that until these grant lands are identified by surveys the title thereto is not actually complete, and therefore up to this time there has been no serious difficulty. A complete passing of title of the odd sections to the railroad company would be almost calamitous. There are some 1,500 or more Indians within the lands affected, and there is grave possibility that the school plant and other buildings would be identified as being on odd sections, and in many cases that the improvements of individual Indians are thus located.

The proposed bill would permit of a consolidation of the respective ownerships. The legislation requested is similar to that authorized by the act of March 5, 1921 (41 Stat. L. 1239), and a settlement of the growing difficulties in this manner would be a good business arrangement. The consolidations would reduce by about one-half the area the Indians have heretofore used, but it seems that some action of the kind is required to prevent trouble. This department would therefore be glad to see the inclosed bill or legislation similar thereto enacted into law.

Very truly yours,

HUBERT WORK.

The Executive orders referred to in the bill are as follows:

EXECUTIVE MANSION, *January 18, 1900.*

It is hereby ordered that the tract of country lying west of the Navajo and Moqui Reservations, in the Territory of Arizona, embraced within the following described boundaries, viz, beginning at the southeast corner of the Moqui Reservation and running due west to the Little Colorado River; thence down that stream to the Grand Canyon Forest Reserve; thence north on the line of that reserve to the northeast corner thereof; thence west to the Colorado River; thence up that stream to the Navajo Indian Reservation, be, and the same is hereby, withdrawn from sale and settlement until further ordered.

WILLIAM MCKINLEY.

WHITE HOUSE, *November 14, 1901.*

It is hereby ordered that the following described tract of country in Arizona, viz, commencing at a point where the south line of the Navajo Indian Reservation (addition of January 8, 1900) intersects the Little Colorado River; thence due south to the fifth standard parallel north; thence east on said standard to the middle of the south line of township 21 north, range 15 east; thence north on the line bisecting townships 21, 22, 23, 24, said range 15 east, to the south line of the Moqui Reservation; thence due west to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement until such time as the Indians residing thereon shall have been settled permanently under the provisions of the homestead laws or the general allotment act approved February 8, 1887 (24 Stats. 388), and the act amendatory thereof approved February 28, 1891 (26 Stats. 794).

THEODORE ROOSEVELT.